

STATE PROPERTIES COMMITTEE

Tuesday October 11, 2005

The meeting of the State Properties Committee was called to order at 10:07 A.M. by Chairman Jerome F. Williams. Other members present were Mr. Richard Woolley, Esquire and Mr. Robert W. Kay, Public Member. Also present were, Mr. Norman Tremblay and Mr. John Ryan, from the Department of Administration, Ms. Grace Smith, Mr. Paul Carcieri, Mr. Andrew Cardillo, Mr. Marc Malkasian, Mr. David Coppatili, Mr. John Glynn, Mr. Robert Jackson, Ms. Maureen McMahon, and Mr. Michael Mitchell from the Department of Transportation, Mr. Normand Benoit from the Rhode Island Convention Center Authority, Mr. Donato Andre D'Andrea from the Town of Portsmouth, Ms. Barbara Hurst from the Office of the Public Defender, Mr. David Beron from National Grid, Mr. Peter Lacouture from Nixon Peabody, Mr. Richard Beretta and Mr. Brian Leach from CCA, Mr. Larry Fish and Mr. Bill Hudson from Soccer RI and Ms. Julia Forgue from the City of Newport.

The Minutes of the meetings held on September 13 and October 3, 2005 were approved. Mr. Kay questioned the status of language and format involving the Registry of Motor Vehicles. The Chairman stated that the DMV has yet to come back with successful completion of language relative to parking.

1. OLD BUSINESS

2. NEW BUSINESS – Miscellaneous - The next meeting of the State Properties Committee is scheduled to be held on Tuesday October 25, 2005.

ITEM A – OFFICE OF HIGHER EDUCATION – UNIVERSITY OF RHODE ISLAND – This item was deferred to October 25, 2005.

ITEM B – OFFICE OF THE PUBLIC DEFENDER – A request was made by the Office of Higher Education for permission to continue the month to month tenancy at 100 North Main Street for an additional six months. The current permission expires on October 31, 2005 and a request for an extension until April 30, 2006 inclusive was made.

They are currently in the process of re-locating the agency to another location in Providence, but that re-location will not occur until Spring 2006. The new space has been advertised and proposals are due October 21, 2005.

A motion was made by Mr. Woolley to approve and seconded by Mr. Kay.

Passed Unanimously

ITEM C– RHODE ISLAND CONVENTION CENTER AUTHORITY / PROVIDENCE CIVIC CENTER – A request was made by the Rhode Island Convention Center Authority to enter into a Financing Lease Agreement with the State of Rhode Island to provide payment for the Authority's obligation to acquire the Providence Civic Center (The Dunkin Donuts Center) from the City of Providence.

This was an informational item to update the State Properties Committee Board that the State has been authorized to enter into a financing lease to provide the payment of \$92.5 million for the Authority's obligations. Payment would be subject to annual appropriation by the General Assembly, and they are envisioning that the lease would be very similar in structure and form to the existing

annual appropriation lease and lease back agreements which the State had with the Authority for the Convention Center.

The Chairman questioned if any draft documents had been forwarded to the Attorney General's office and was informed that the matter is still in the negotiation process, but anticipates it in the near future.

ITEM D – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a License Agreement with CMR Realty, L.L.C. for use of property located adjacent 36 Oxford Street and I-95 northbound in the City of Providence.

The purpose of the license is for the use of 1,175 square feet for one (1) vehicle-parking space and the placement of two (2) storage containers. The license is being granted at fair market value and will be for a five-year period. The fee will be reviewed at the end of the third year. The appraised value of the property is \$1,500.00.

A motion for approval was made by Mr. Kay and seconded by Mr. Woolley.

Passed Unanimously

ITEM E – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for conceptual approval for the sale of land at 930 Oaklawn Avenue, Cranston. The acquired property is approximately 1,100 square feet and will be deemed surplus to the Department's needs. The applicant is Brooklyn Heights Associates, LLC.

The land parallels Oaklawn Avenue for approximately two hundred

and twenty feet and is triangular in shape with a greatest depth of five to six feet, decreasing almost to a point as it runs from south to north. Wilbur Avenue runs into Oaklawn Avenue at a right angle at this location and there is a traffic light to regulate the flow of traffic at the intersection.

A motion was made by Mr. Kay and seconded by Mr. Woolley for conceptual approval.

Passed Unanimously

ITEM F – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a First Amendment to Temporary Access Easement with the Department of Environmental Management regarding the Town Pond Restoration Project in Portsmouth, Rhode Island.

RIDOT granted RIDEM temporary access to a portion of the Newport Secondary Railroad right-of-way, containing approximately 3,000 linear feet, to move construction equipment into and out of the wetland restoration project area. The Temporary Access Easement was approved by the State Properties Committee on January 27, 2004 for the term March 1, 2004 to February 28, 2006. RIDEM has contracted with the Department of the Army, Corps of Engineers to undertake the restoration project. The anticipated time frame for the project exceeds that allowed in the initial Temporary Access Easement and RIDEM has requested an extension of two years to February 29, 2008 to coincide with the duration of the project.

The issue with the procurement of liability insurance has been resolved and the construction contractor has provided a certificate of

liability insurance naming the State of Rhode Island, Department of Transportation and Department of Environmental Management as additional insureds.

A motion for approval was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM G – DEPARTMENT OF TRANSPORTATION – A request for approval and execution of a License Agreement with Wesco Realty LLC for use of 5,250 square feet of land, located at 307 Farnum Pike in the Town of Smithfield, Rhode Island.

The purpose of the license is for vehicle parking at that location. The license is being granted at fair market value, \$1,300 per year, and will be for a five-year period. The fee will be reviewed at the end of the third year.

Significant discussion ensued and concerns were raised relative to the \$1,300 per year price for parking on a fenced in property. The Chairman then suggested to defer the item for two weeks requesting additional information from the Department of Transportation. The motion was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM H – THE DEPARTMENT OF TRANSPORTATION – A request was made by the Department for review and execution of Quit Claim Deed between the Rhode Island Department of Transportation and the City of Newport.

On May 6, 2003 the Department received conceptual approval for a gratis conveyance of the right-of-way of Old West Main Road, located

in the Town of Portsmouth, to the City of Newport.

The property consists of two hundred twenty-nine thousand one hundred twenty-one (229,121) square feet encompassing the entire right-of-way of Old West Main Road which is completely surrounded by Newport's Lawton Valley Water Treatment Plant and reservoir.

A motion to approve was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM I – DEPARTMENT OF TRANSPORTATION – A request was made by the Department to review and execute an Easement Agreement between the Rhode Island Department of Transportation and the Narragansett Electric Company in conjunction with the Interstate 195-relocation project in the City of Providence.

The Agreement will provide relocation of NEC's E-183 Transmission Line within the right-of-way of the Interstate Route 195 relocation project, located in Providence. In addition, the Grantee is self-insured.

A motion to approve was made by Mr. Kay and seconded by Mr. Woolley.

Passed Unanimously

ITEM J – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for an extension of the Purchase and Sales Agreement between the Department of Transportation and Woodfield Farms, LLC for State owned land containing approximately one hundred fifty two thousand four hundred sixty (152,460) square feet

adjacent to Interstate Route 95NB located in the City of Warwick.

The original Purchase and Sales Agreement was approved by the State Properties Committee on November 9, 2004. The buyer has recently received a change of zoning classification for the adjacent property by reducing the number of condominium units, which they will be allowed to build. However, they must still obtain approvals from the Warwick City Council, the Mayor of Warwick, and then return to the Planning Board of Review, for final approval, which is anticipated to take place in the December/January timeframe.

A motion was made by Mr. Woolley and seconded by Mr. Kay for approval.

Passed Unanimously

ITEM K – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for Assignment of Lease, RIDOT and RB Realty, Dyer Street, Providence.

At the request of the Department of Transportation, this matter was deferred to October 25, 2005.

ITEM L – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for conceptual approval for the use of the Ladd Center Fields by the South Kingston Soccer League in exchange for grounds maintenance.

Significant discussion ensued and concerns were raised with regards to the Town of Exeter and the Department of Environmental Management regarding comments they may have. The Chairman then suggested to defer the item for two weeks subject to inquiry with the Town of Exeter and Department of Environmental Management. The

motion was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4 (a) (5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

ITEM M - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for the Reconstruction of East Main Road, Route 138 in the Town of Middletown.

Significant discussion ensued and concerns were raised relative to the original temporary easement and the possibility of renegotiating a lower rate of the estimated cost of the one-year temporary easement. A motion was made by Mr. Woolley and seconded by Mr. Kay to defer action subject to renegotiations and inquiry of mobilization with the possibility of a pro-rated reduction to the cost of the project.

ITEM N – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for additional easements on two (2) parcels for construction of the Northwest Bike Train / Woonasquatucket River Bikeway in the Town of Johnston.

A motion was made to approve by Mr. Woolley and seconded by Mr. Kay for approval subject to the questioning of Narragansett Electric Company as to whether or not easements requested from the State of

Rhode Island were granted without charge.

A Motion was made by Mr. Kay and seconded by Mr. Woolley to close the Executive Session and return to the regular session.

All matters presented to the Committee were approved by all present.

There being no further business to come before the Committee, the meeting adjourned at 11:55 A.M.

Anne L. Lanni, Executive Secretary